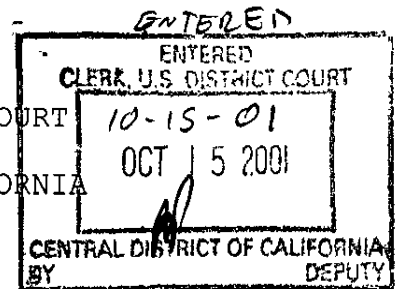
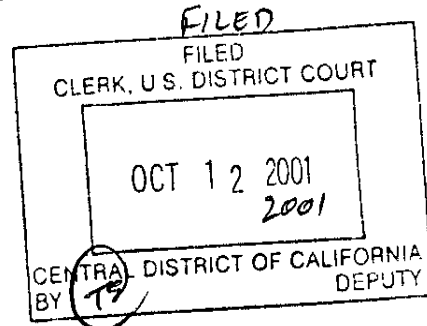


ENTEL  
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sand



UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, ex  
rel, GRACE G. DOWNER,

Plaintiff,

v.

TENET HEALTH CARE CORPORATION,  
a Nevada corporation; GARFIELD  
MEDICAL CENTER, a California  
corporation; and DR. STEPHEN  
KWAN, an individual,

Defendants.

CASE NO. CV-96-9136 GAF (AJWx)

STIPULATION AND [PROPOSED]  
ORDER DISMISSING ACTION

WHEREAS, the Relator in this action, Grace G. Downer ("Downer") filed a First Amended Complaint for violation of the False Claims Act on January 24, 2000, against Defendants, Dr. Stephen Kwan, Garfield Medical Center and Tenet Healthcare Corporation (hereinafter collectively referred to as "the Defendants");

WHEREAS, Downer, on behalf of herself and the United States, has entered into an Agreement of Compromise, Settlement and

Release with Defendants dated September 6, 2001 (hereinafter

2 Docketed  
4 Copies / NTC Sent  
1 JS - 5 JS - 6  
1 JS - 2 JS - 3  
1 CLSD

Downer/Pleadings/Stip & Order re Dismissal

- 1 -

STIPULATION AND ORDER DISMISSING ACTION

64

1 "the Settlement Agreement");

2 WHEREAS, Defendants have satisfied their obligations to pay  
3 the Settlement Amount to the United States and pay the Relator's  
4 Attorney's Fees as set forth in the Agreement;

5 WHEREAS, the Relator and Defendant agreed that within seven  
6 (7) business days of her receipt of her Attorneys Fees and  
7 receipt of notification from the United States that the  
8 Settlement Amount has been received, the Relator would file a  
9 stipulation dismissing the case subject to and consistent with  
10 the terms of the Settlement Agreement;

11 IT IS HEREBY STIPULATED AND AGREED by the Relator and the  
12 Defendants, through their respective counsel of record, that the  
13 First Amended Complaint is dismissed with prejudice as to the  
14 Relator;

15 IT IS FURTHER STIPULATED AND AGREED by the Relator and the  
16 Defendants, through their respective counsel, that the First  
17 Amended Complaint is dismissed with prejudice to the United  
18 States insofar as it relates to the "Covered Conduct" as defined  
19 in the Settlement Agreement, and without prejudice to the United  
20 States as to all other allegations in the First Amended  
21 Complaint.

22 DATED: September 15, 2001

By: Grace G. Downer  
GRACE G. DOWNER  
RELATOR

24

25

26

TENET HEALTHCARE CORPORATION

27

28 DATED: September \_\_\_\_, 2001

By: \_\_\_\_\_

1 "the Settlement Agreement");

2 WHEREAS, Defendants have satisfied their obligations to pay  
3 the Settlement Amount to the United States and pay the Relator's  
4 Attorney's Fees as set forth in the Agreement;

5 WHEREAS, the Relator and Defendant agreed that within seven  
6 (7) business days of her receipt of her Attorneys fees and  
7 receipt of notification from the United States that the  
8 Settlement Amount has been received, the Relator would file a  
9 stipulation dismissing the case subject to and consistent with  
10 the terms of the Settlement Agreement;

11 IT IS HEREBY STIPULATED AND AGREED by the Relator and the  
12 Defendants, through their respective counsel of record, that the  
13 First Amended Complaint is dismissed with prejudice as to the  
14 Relator;

15 IT IS FURTHER STIPULATED AND AGREED by the Relator and the  
16 Defendants, through their respective counsel, that the First  
17 Amended Complaint is dismissed with prejudice to the United  
18 States insofar as it relates to the "Covered Conduct" as defined  
19 in the Settlement Agreement, and without prejudice to the United  
20 States as to all other allegations in the First Amended  
21 Complaint.

22 DATED: September 15, 2001

By: 

GRACE G. DOWNER  
RELATOR

23  
24  
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26  
27  
28 DATED: October 10, 2001

By: 

Lawrence G. Hixon

Vice President, Corporate Report:

GARFIELD MEDICAL CENTER

DATED: October 10, 2001

By: Lawrence G. Hixon  
Lawrence G. Hixon  
Vice President

DATED: September \_\_\_\_\_, 2001

By: DR. STEPHEN KWAN

THE FOREGOING AGREEMENT IS APPROVED AS TO FORM AND SUBSTANCE  
BY COUNSEL FOR RELATOR GRACE G. DOWNER AND DEFENDANTS TENET  
HEALTH CARE CORPORATION, GARFIELD MEDICAL CENTER AND DR. STEPHEN  
KWAN.

MICHAEL L. STERN AND ASSOCIATES

DATED: September 17, 2001

By: Michael L. Stern  
Michael L. Stern  
Attorneys for Relator  
Grace G. Downer

DATED: September \_\_\_\_\_, 2001

By: Daniel F. Rinzel  
Daniel F. Rinzel  
Attorneys for Relator  
Grace G. Downer

GIBSON, DUNN & CRUTCHER, LLC

DATED: September \_\_\_\_\_, 2001

By: Thomas E. Holliday  
Thomas E. Holliday  
Attorneys for Defendants  
Tenet Health Care Corporation  
and Garfield Medical Center

GARFIELD MEDICAL CENTER

DATED: September \_\_\_\_, 2001

By: \_\_\_\_\_

DATED: September 5, 2001

By:   
DR. STEPHEN KWAN

THE FOREGOING AGREEMENT IS APPROVED AS TO FORM AND SUBSTANCE  
BY COUNSEL FOR RELATOR GRACE G. DOWNER AND DEFENDANTS TENET  
HEALTH CARE CORPORATION, GARFIELD MEDICAL CENTER AND DR. STEPHEN  
KWAN.

MICHAEL L. STERN AND ASSOCIATES

DATED: September \_\_\_\_, 2001

By: \_\_\_\_\_  
Michael L. Stern  
Attorneys for Relator  
Grace G. Downer

DATED: September \_\_\_\_, 2001

By: \_\_\_\_\_  
Daniel F. Rinzel  
Attorneys for Relator  
Grace G. Downer

GIBSON, DUNN & CRUTCHER, LLC

DATED: September \_\_\_\_, 2001

By: \_\_\_\_\_  
Thomas E. Holliday  
Attorneys for Defendants  
Tenet Health Care Corporation  
and Garfield Medical Center

GARFIELD MEDICAL CENTER

DATED: September \_\_\_\_, 2001

By: \_\_\_\_\_

DATED: September \_\_\_\_, 2001

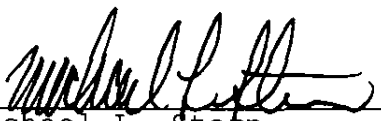
By: \_\_\_\_\_  
DR. STEPHEN KWAN

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BY COUNSEL FOR RELATOR GRACE G. DOWNER AND DEFENDANTS TENET  
HEALTH CARE CORPORATION, GARFIELD MEDICAL CENTER AND DR. STEPHEN  
KWAN.

MICHAEL L. STERN AND ASSOCIATES

DATED: September 17, 2001

By: \_\_\_\_\_

  
Michael L. Stern  
Attorneys for Relator  
Grace G. Downer

DATED: September \_\_\_\_, 2001

By: \_\_\_\_\_

Daniel F. Rinzel  
Attorneys for Relator  
Grace G. Downer

GIBSON, DUNN & CRUTCHER, LLC

DATED: September \_\_\_\_, 2001

By: \_\_\_\_\_

Thomas E. Holliday  
Attorneys for Defendants  
Tenet Health Care Corporation  
and Garfield Medical Center

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GARFIELD MEDICAL CENTER

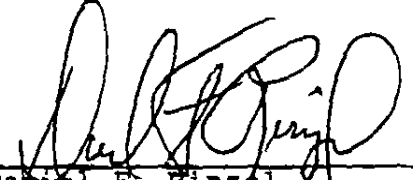
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DATED: September \_\_\_\_\_, 2001 By: \_\_\_\_\_  
DR. STEPHEN KWAN

THE FOREGOING AGREEMENT IS APPROVED AS TO FORM AND SUBSTANCE  
BY COUNSEL FOR RELATOR GRACE G. DOWNER AND DEFENDANTS TENET  
HEALTH CARE CORPORATION, GARFIELD MEDICAL CENTER AND DR. STEPHEN  
KWAN.

MICHAEL L. STERN AND ASSOCIATES

DATED: September 17, 2001 By:   
Michael L. Stern  
Attorneys for Relator  
Grace G. Downer

DATED: September 28, 2001 By:   
Daniel F. Rinzel  
Attorneys for Relator  
Grace G. Downer

GIBSON, DUNN & CRUTCHER, LLC

DATED: September \_\_\_\_\_, 2001 By: \_\_\_\_\_  
Thomas E. Holliday  
Attorneys for Defendants  
Tenet Health Care Corporation  
and Garfield Medical Center

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Stern & Assoc.

WCS-7032

**GARFIELD MEDICAL CENTER**

DATED: September \_\_\_\_, 2001

By: \_\_\_\_\_

DATED: September 5, 2001

By: 

DR. STEPHEN KWAN

THE FOREGOING AGREEMENT IS APPROVED AS TO FORM AND SUBSTANCE  
BY COUNSEL FOR RELATOR GRACE G. DOWNER AND DEFENDANTS TENET  
HEALTH CARE CORPORATION, GARFIELD MEDICAL CENTER AND DR. STEPHEN  
KWAN,

**MICHAEL L. STERN AND ASSOCIATES**

DATED: September \_\_\_\_, 2001

By: \_\_\_\_\_

Michael L. Stern  
Attorneys for Relator  
Grace G. Downer

DATED: September \_\_\_\_, 2001

By: \_\_\_\_\_

Daniel F. Rinzel  
Attorneys for Relator  
Grace G. Downer

**GIBSON, DUNN & CRUTCHER, LLC**

DATED: September 6, 2001

By: 

Thomas E. Holliday  
Attorneys for Defendants  
Tenet Health Care Corporation  
and Garfield Medical Center

Consent Planning, Inc. & Order of Dismissal

-3-

**STIPULATION AND ORDER DISMISSING ACTION**

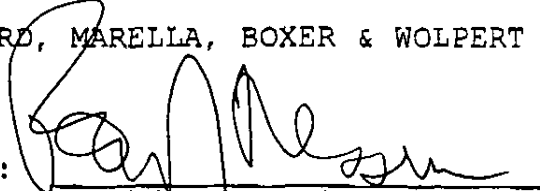
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BIRD, MARELLA, BOXER & WOLPERT

DATED: September 6, 2001

By:

  
Ronald J. Nessim  
Attorneys for Defendant  
Dr. Stephen Kwan

ORDER

IT IS HEREBY ORDERED that, in accordance with and subject to the parties' Settlement Agreement, the First Amended Complaint is dismissed with prejudice to the Relator Grace Downer, with prejudice to the United States insofar as it addresses the "Covered Conduct" alleged in the First Amended Complaint and without prejudice to the United States as to all other allegations in the First Amended Complaint.

IT IS SO ORDERED.

DATED: \_\_\_\_\_, 2001

UNITED STATES DISTRICT JUDGE

BIRD, MARELLA, BOXER & WOLPERT

DATED: September \_\_\_\_, 2001 By:

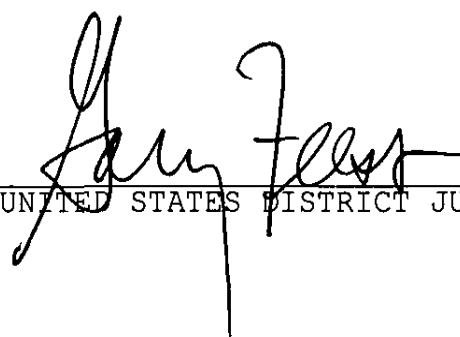
Ronald J. Nessim  
Attorneys for Defendant  
Dr. Stephen Kwan

ORDER

IT IS HEREBY ORDERED that, in accordance with and subject to the parties' Settlement Agreement, the First Amended Complaint is dismissed with prejudice to the Relator Grace Downer, with prejudice to the United States insofar as it addresses the "Covered Conduct" alleged in the First Amended Complaint and without prejudice to the United States as to all other allegations in the First Amended Complaint.

IT IS SO ORDERED.

DATED: 10/11, 2001

  
UNITED STATES DISTRICT JUDGE